



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Bingel, et al. ) Confirmation No.: 2844  
Serial No: 09/748,487 ) Art Unit: 2646  
Filed: 12/27/2000 ) Examiner: Wawlter Briney, III  
For: Line Sharing Multipoint POTS Splitter Amplifier-Based Coupler

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, while Applicant agrees with the Examiner that the stated reasons for allowance of claims **1-5, 12-14, and 18-29** are indeed proper grounds for allowance of these claims, there are other additional reasons why these claims are allowable over the prior art of record, and Applicant does not admit that the stated reasons for allowance are the only reasons for allowance.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in

terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,



Scott A. Horstemeyer, Reg. No. 34,183  
Attorney for Applicant

Date: 4/20/06

Docket: **061607-1650**

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948  
Telephone: (770) 933-9500

CERTIFIED MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 20, 2006

Signature

